

## SAUDI ARABIA (TIER 3)

Saudi Arabia is a destination country for workers from Bangladesh, India, Sri Lanka, Nepal, Indonesia, an indeterminate number of whom are subjected to conditions that constitute involuntary servitude. There were reports that victims are subjected to physical and sexual abuse, non-payment of wages, confinement, and withholding of passports as a restriction on their movement. Domestic workers are particularly vulnerable because some are confined to the house in which they work, unable to seek help. Saudi Arabia is also a destination country for Nigerian, Yemeni, Pakistani, Afghan, Somali, Malian, and Sudanese children trafficked for forced begging and involuntary servitude as street vendors. There were also reports that some Nigerian women were trafficked into Saudi Arabia for commercial sexual exploitation.

The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although the government took some steps to combat trafficking, it disputed the extent to which trafficking occurred in the Kingdom. The government identified a Ministry of Foreign Affairs official as a point of contact for anti-trafficking issues; he collects data on prosecutions, prevention, and victim assistance. The government prosecuted a few cases of abuse against expatriate workers under Saudi criminal laws during the past year. However, reports indicated that the government did not adequately protect victims, sometimes arresting, punishing, and deporting them instead. Saudi Arabia should significantly increase criminal investigations and prosecutions of abusive employers, enforce existing laws that punish employers who abuse foreign workers, and impose appropriate sentences for such crimes. The government should also take steps to ensure that trafficking victims are not detained or punished, and institute a screening mechanism to distinguish trafficking victims from among the thousands of undocumented illegal workers it deports each year for immigration violations and other crimes. In addition, the government should expand public awareness campaigns to educate employers on the rights of foreign workers and the consequences of violating those rights.

### Prosecution

The Government of Saudi Arabia's efforts to punish trafficking crimes over the last year were inadequate. Effective prosecution of trafficking crimes is inhibited by weak enforcement of existing laws and regulations protecting employees from harsh treatment, a lack of judicial transparency, and a lack of a comprehensive anti-trafficking law that specifically criminalizes trafficking, provides adequate punishment, including imprisonment for serious offenders, and includes provisions for the protection of domestic workers. The penalties of fines and business restrictions in lieu of imprisonment were inadequate to deter violations. Saudi law states that sponsors and employers may not retain the passports of their employees, but the government does not actively enforce this law.

In February 2006, the government collaborated with UNICEF to sponsor a series of workshops and modules to train regional security officials to recognize and investigate trafficking in persons cases. UNICEF also trained Saudi social workers to assist street children, some of whom may be victims of trafficking, in Jeddah, Riyadh, and Dammam. The Saudi Embassy in Washington, DC is also pursuing training by the U.S. Department of Homeland Security, the FBI, and the National Center for Missing and Exploited Children, for Saudi judges, prosecutors, and investigators. The government also cooperated with Nigeria in investigating and prosecuting cases involving the trafficking of Nigerian women to Saudi Arabia for commercial sexual exploitation. Saudi Arabia should pass a comprehensive anti-trafficking law, significantly increase criminal prosecutions, and impose sufficient penalties for such acts. The government should enforce existing Islamic laws that forbid the mistreatment of women, children, and laborers, and specifically extend protection to foreign domestic workers.

#### Protection

During the year, Saudi Arabia did not take adequate measures to protect victims of trafficking. Although the government and several Saudi NGOs operate shelters for abused domestic workers and trafficked children, some victims of trafficking claimed that they had to rely on the embassies of their country of origin for assistance and protection because they did not receive adequate protection from the Government of Saudi Arabia and were treated poorly. In a case that received considerable international attention in 2005, a severely injured Indonesian maid filed a complaint against her Saudi employers (husband and wife), claiming they had tortured her. The maid was subsequently sentenced to 79 lashes because she purportedly had made contradictory statements, although this decision was later reversed. Nonetheless, while the court sentenced the wife to 35 lashes for beating the maid, the husband was not punished.

Domestic workers who ran away from their sponsors claiming ill-treatment often experienced difficulty finding assistance. Victims who run away from their sponsors may be arrested, sentenced, and deported without any screening to determine whether they are trafficking victims. Some victims claim difficulty receiving consular access, accessing national and international NGO assistance, or receiving legal or social counseling in their own language. In January 2006 alone, approximately 1,000 foreign domestic workers, who had filed complaints of abuse or nonpayment of wages against their employers, accepted a special government offer of monetary incentives and free repatriation, apparently in frustration with a lack of legal alternatives in Saudi Arabia. Additionally, victims filing criminal and civil complaints against their abusive employers often were reportedly denied assistance in filing claims, were interrogated without consular or legal counsel, and were prosecuted without legal representation.

Saudi Arabia cooperated with the Government of Yemen to repatriate Yemeni children trafficked into the Kingdom for begging, and provided monetary compensation to some victims prior to deportation. The Saudi Government also relied on private charitable

organizations and UNICEF to assist child victims. The Government of Saudi Arabia should properly identify trafficking victims to protect them from incarceration and punishment. The government should also screen foreign workers deported every year to identify and protect victims of trafficking among them. In addition, Saudi Arabia should improve its collaboration with labor source country embassies to identify and protect trafficking victims.

#### Prevention

This year, Saudi Arabia's efforts to prevent trafficking in persons were insufficient. The government acknowledged a problem with the mistreatment of foreign workers, and in November, the government began distributing guidelines written by the Ministry of Labor explaining workers' rights and identifying available assistance resources to all source country embassies and to arriving workers at ports of entry. Nevertheless, serious logistical and coordination deficiencies existed among the ministries involved in implementing anti-trafficking efforts. In addition to increased media coverage of cases involving foreign workers, the government should institute a broad public awareness campaign to inform Saudi employers of their obligations towards foreign workers.